

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Terrence SICK	GROUP:	3693
APPLICATION:	09/965,071	EXAMINER:	S. Chandler
FILED:	September 27, 2001	CONFIRMATION:	2718
FOR:	COMPUTER-BASED SYSTEM AND METHOD FOR SEARCHING AND SCREENING FINANCIAL SECURITIES AND RELEVANT INTELLECTUAL PROPERTY		

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTERVIEW SUMMARY UNDER 37 CFR 1.133

The undersigned attorney was contacted by Examiner Chandler on Monday, August 24, 2009, when the Examiner left a phone message indicating that she had reviewed the response and claim amendments submitted on August 10, 2009. The Examiner stated she was “trying to proceed to allowance” but that an amendment to method claims was necessary to overcome a further rejection under 35 USC §101 to the method claims. The Examiner further proposed entry of any amendments via an Examiner’s amendment to expedite prosecution. The undersigned attorney was on vacation, but had an office staff member contact the Examiner and arrange for a call on Thursday, August 27, 2009.

I then spoke with Examiner Chandler on Thursday August 27, 2009, at which time I was informed that the method claims would be rejected under 35 USC §101 pursuant to new examination rules since the matter had gone to appeal.¹ The Examiner indicated that if structure could be introduced into the claims, then a §101 rejection and the delay of an office action could be avoided. The Examiner further offered to enter such amendments

¹ Notably, while the Board could have set forth a new ground for rejection (as they did for claim 10), no such rejection under 35 USC §101 was set forth.

via an Examiner's amendment if I would e-mail her a draft with amendments proposed for the independent method claims by Monday August 31, 2009.

Applicants prepared and submitted on Monday, August 31, 2009, via e-mail, a draft set of proposed claim amendments for consideration by the Examiner's in response to the anticipated rejection under 35 USC §101.

Examiner Chandler subsequently contacted me on Tuesday, September 1, 2009 via telephone to indicate that she had discussed the matter with a supervisor and that they would now be issuing an office action with a prior art rejection as the "claims were too broad." There was no indication at that time by the Examiner of a particular prior art reference(s) upon which a rejection would be based, nor was there any identification of the claims that were to be newly rejected over prior art.

The Examiner asked whether the proposed claim amendments should be entered, and I responded that in the event an office action was going to be issued, then the claims should stand as they were amended on August 10, 2009. I also asked the Examiner to confirm that the amendments proposed would overcome a 35 USC §101 rejection in the event such a rejection is present in any subsequent office action. She indicated that while not having signature authority, it was her impression that the proposed amendments, should they be submitted subsequently in response to such a rejection, would be sufficient.

Applicants wish to further draw the Examiner's attention to the extended prosecution of this application, and to the fact that this application has already been through an appeal – and claims remaining in the application are those that were upheld by the Board, or are claims dependent therefrom. That the application appears to now be subjected to a further rejection, having been reviewed several times by three examiners², and by the Board³ would appear to be piecemeal examination of the application. Applicants respectfully request that the application, and the current claims having been examined and having passed through appeal, be advanced for allowance as set forth in the August

² Examiners Chandler, Kramer and Millin all reviewed the application and final rejection in a Pre-Appeal Brief Review (see Notice of Panel Decision from Pre-Appeal Brief Review dated Nov. 2, 2007), and Examiner's Answer mailed Feb. 28, 2008.

³ Administrative Patent Judges Crawford, Fetting and Mohanty reversed the Examiner's rejection on the independent claims remaining in the application.

10, 2009 response – currently pending claims are claims that are believed to have been upheld as patentable by the Board or claims dependent therefrom.

In the event the Examiner once again considers personal contact advantageous to the timely disposition of this case, the Examiner is hereby authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,

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